

118TH CONGRESS
1ST SESSION

H. R. 1833

To establish in the Bureau of Democracy, Human Rights, and Labor of the Department of State a Special Envoy for the Human Rights of LGBTQI+ Peoples, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 28, 2023

Mr. ROBERT GARCIA of California (for himself, Ms. JACOBS, Ms. CROCKETT, Mr. CONNOLLY, Mr. LYNCH, Ms. VELÁZQUEZ, Ms. NORTON, Mr. AUCHINCLOSS, Mr. SHERMAN, Ms. LEGER FERNANDEZ, Ms. SCANLON, Mr. KILMER, Mr. GOMEZ, Mr. ESPAILLAT, Mr. CASTRO of Texas, Mr. ALLRED, Mr. CARBAJAL, Ms. MCCOLLUM, Mr. JOHNSON of Georgia, Ms. SCHAKOWSKY, Mr. KILDEE, Mr. QUIGLEY, Mr. SARBANES, Ms. JAYAPAL, Ms. GARCIA of Texas, Mr. McGOVERN, Ms. PORTER, Mr. GREEN of Texas, Mr. GRIJALVA, Mr. BLUMENAUER, Mr. GARCÍA of Illinois, Mr. NEGUSE, Ms. BROWN, Mr. CASTEN, Mr. COSTA, Mr. POCAN, Ms. WILSON of Florida, Mr. PANETTA, Ms. SÁNCHEZ, Mr. COHEN, Mr. VARGAS, Mr. TORRES of New York, Mr. IVEY, Mr. SCHIFF, Ms. SALINAS, Ms. DAVIDS of Kansas, Ms. BARRAGÁN, Mr. MULLIN, Mr. KEATING, Mr. TRONE, Ms. TOKUDA, Ms. MENG, Ms. KAMLAGER-DOVE, Ms. TLAIB, Ms. STEVENS, Mr. SCHNEIDER, Ms. LEE of Pennsylvania, Mr. LARSON of Connecticut, Mr. SORENSEN, Mr. NORCROSS, Mr. FROST, Ms. CRAIG, Mr. DESAULNIER, Mr. RASKIN, Mr. HUFFMAN, Ms. BONAMICI, and Ms. LOFGREN) introduced the following bill; which was referred to the Committee on Foreign Affairs

A BILL

To establish in the Bureau of Democracy, Human Rights, and Labor of the Department of State a Special Envoy for the Human Rights of LGBTQI+ Peoples, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “International Human
5 Rights Defense Act of 2023”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Around the world, LGBTQI+ people face
9 violence, stigma, and discrimination based on their
10 sexual orientation, gender identity, or sex character-
11 istics.

12 (2) 67 countries have national laws that crim-
13 inalize same-sex relations and at least 42 United
14 Nations member states have legal barriers for free-
15 dom of expression on issues related to sexual and
16 gender diversity. That is equal to roughly 35 percent
17 of United Nations member states.

18 (3) 11 countries have jurisdictions in which the
19 death penalty can be imposed for private, consensual
20 same-sex sexual activity.

21 (4) Despite recent progress made toward de-
22 criminalization, marriage equality, and legal gender
23 recognition, several countries have introduced anti-
24 LGBTQI+ pieces of legislation that would further
25 criminalize or stigmatize LGBTQI+ peoples. This

1 includes a draconian law under review in Ghana that
2 would outlaw LGBTQI+ relationships or identities,
3 as well as actions by community allies, and bills that
4 ban so-called LGBTQI+ “propaganda,” such as
5 those in Russia and Hungary.

6 (5) In anti-LGBTQI+ prosecutions, law en-
7 forcement officials, working in tandem with medical
8 personnel, use the forensically discredited practice of
9 forced anal exams to try to prove same-sex sexual
10 activity or otherwise to torture or intimidate detainees.
11 The United Nations Special Rapporteur on Torture has described forced anal examinations as a
12 form of torture or cruel, inhuman and degrading
13 treatment and the United Nations Office of the
14 High Commissioner for Human Rights issued a re-
15 port in 2015 calling for governments to ban the
16 practice. Human Rights Watch has documented sev-
17 eral cases in which forced anal examinations have
18 been used to sentence individuals for same-sex sex-
19 ual conduct, including in Uzbekistan and Egypt.

21 (6) The closing of civil society space, particu-
22 larly with the increased passage or enforcement of
23 laws that prevent the registration or operations of
24 non-governmental organizations, discriminates
25 against LGBTQI+ human rights defenders and is a

1 violation of freedom of association. This includes the
2 wrongful closure of Sexual Minorities Uganda
3 (SMUG), a leading non-governmental organization
4 committed to protecting and advancing the human
5 rights of LGBTQI+ individuals in Uganda.

6 (7) Extreme violence and insecurity in El Sal-
7 vador, Nicaragua, Guatemala, and Honduras has
8 driven LGBTQI+ people to flee their countries of
9 origin to the United States for protection. At the
10 United States border with Mexico, LGBTQI+ asy-
11 lum seekers face additional violence and many have
12 been returned to face persecution in their home
13 countries or in third countries that are not safe.

14 (8) Studies have shown that structural risks in-
15 cluding country-level policies, prosecutions, and legal
16 barriers might contribute to higher HIV prevalence
17 among LGBTQI+ people, especially gay, bisexual,
18 and other men who have sex with men. Decrimi-
19 nization, decreasing enforcement, and stigma re-
20 duction are necessary to effective control of HIV.

21 (9) The Trans Murder Monitoring Project,
22 which monitors homicides of transgender individuals,
23 documented at least 327 trans and gender-diverse
24 people killed between October 1, 2021, and Sep-
25 tember 30, 2022. Of these cases, 68 percent of all

1 of the murders occurred in Latin America and the
2 Caribbean, with 29 percent of the total occurring in
3 Brazil.

4 (10) Intersex people experience prejudice and
5 discrimination, including the common performance
6 of medically unnecessary surgeries without their con-
7 sent or approval, because their bodies do not con-
8 form to other people's expectations about sex and
9 gender.

10 (11) Violence and discrimination based on sex-
11 ual orientation and gender identity are documented
12 in the Department of State's annual Country Re-
13 ports on Human Rights Practices. The report cov-
14 ering 2021 continues to show a clear pattern of
15 human rights violations or abuses in every region of
16 the world based on sexual orientation, gender iden-
17 tity, or sex characteristics. These violations or
18 abuses include murder, rape, torture, death threats,
19 extortion, and imprisonment, as well as loss of em-
20 ployment, housing, access to health care, and other
21 forms of societal stigma and discrimination. The re-
22 ports further document LGBTQI+-specific restric-
23 tions on basic freedoms of assembly, press, and
24 speech in every region of the world.

1 (12) On December 6, 2011, President Barack
2 Obama released the “Presidential Memorandum—
3 International Initiatives to Advance the Human
4 Rights of Lesbian, Gay, Bisexual, and Transgender
5 Persons”. The memorandum directed all Federal
6 agencies engaged abroad to ensure that United
7 States diplomacy and foreign assistance promote and
8 protect the human rights of LGBTI+ persons.

9 (13) On February 4, 2021, President Joe Biden
10 issued a similar memorandum, the “Memorandum
11 on Advancing the Human Rights of Lesbian, Gay,
12 Bisexual, Transgender, Queer, and Intersex Persons
13 Around the World,” to promote and protect the
14 human rights of LGBTQI+ persons and establish
15 that it is the “policy of the United States to pursue
16 an end to violence and discrimination on the basis
17 of sexual orientation, gender identity or expression,
18 or sex characteristics, and to lead by the power of
19 our example in the cause of advancing the human
20 rights of LGBTQI+ persons around the world”.

21 (14) On February 23, 2015, Secretary of State
22 John Kerry appointed senior diplomat Randy Berry
23 as the Department of State’s first-ever Special
24 Envoy for the Human Rights of LGBTI Persons.

1 No person was named to that position during the
2 Trump Administration.

3 (15) On June 25, 2021, President Joe Biden
4 announced the appointment of Jessica Stern to serve
5 as the United States Special Envoy to Advance the
6 Human Rights of LGBTQI+ Persons. She joined
7 the Department of State on September 27, 2021.

8 (16) On June 30, 2016, the United Nations
9 Human Rights Council passed a resolution cospon-
10 sored by the United States that established an Inde-
11 pendent Expert on violence and discrimination based
12 on sexual orientation and gender identity to help
13 monitor and track discrimination and violence expe-
14 rienced by LGBTQI+ persons around the world.

15 (17) In May 2020, the United Nations Inde-
16 pendent Expert on protection against violence and
17 discrimination based on sexual orientation and gen-
18 der identity released a report on so-called “conver-
19 sion therapy,” which is an umbrella term used to de-
20 scribe interventions based on a belief that a person’s
21 sexual orientation or gender identity can and should
22 be changed. The report concluded that such prac-
23 tices represent significant violations of rights to per-
24 sonal autonomy, health, and free expression and are
25 “by their very nature degrading, inhuman and cruel

1 and create a significant risk of torture". The Independent Expert noted "the psychological pain and
2 suffering inflicted by practices of 'conversion therapy' are deep and long-lasting and often exacerbate
3 the risk of suicide," and called for a global ban on
4 conversion therapy.

5 (18) On June 15, 2022, President Joe Biden
6 signed an Executive order in part directing the Secretary of State, in collaboration with the Secretary
7 of the Treasury, the Secretary of Health and Human Services, and the Administrator of the United States Agency for International Development, to develop an action plan to promote an end
8 to so-called "conversion therapy" around the world and ensure that United States foreign assistance
9 dollars do not fund the practice.

10 **17 SEC. 3. STATEMENT OF POLICY.**

11 It is the policy of the United States—

12 (1) to take effective action to prevent and respond to discrimination and violence against all people on any basis internationally, including sexual orientation, gender identity, and sex characteristics,
13 and that human rights policy includes attention to criminalization, violence, and other discrimination
14 against LGBTQI+ people;

1 (2) to systematically integrate and coordinate
2 into United States foreign policy efforts to prevent
3 and respond to criminalization, discrimination, and
4 violence against LGBTQI+ people internationally;

5 (3) to support and build local capacity in coun-
6 tries around the world, including of governments at
7 all levels and nongovernmental organizations, to pre-
8 vent and respond to criminalization, discrimination,
9 and violence against LGBTQI+ people internation-
10 ally;

11 (4) to consult, cooperate, coordinate, and col-
12 laborate with a wide variety of nongovernmental
13 partners, including faith-based organizations and
14 LGBTQI+-led organizations, with demonstrated ex-
15 perience in preventing and responding to criminal-
16 ization, discrimination, and violence against
17 LGBTQI+ people internationally;

18 (5) to employ a multisectoral approach to pre-
19 venting and responding to criminalization, discrimi-
20 nation, and violence against LGBTQI+ people inter-
21 nationally, including activities in the economic, edu-
22 cation, health, nutrition, legal, and judicial sectors;

23 (6) to work at all levels, from the individual to
24 the family, community, local, national, and inter-
25 national levels, to prevent and respond to criminal-

1 ization, discrimination, and violence against
2 LGBTQI+ people internationally;

3 (7) to enhance training by United States per-
4 sonnel of professional foreign military and police
5 forces and judicial officials to include appropriate
6 and thorough LGBTQI+-specific instruction on pre-
7 venting and responding to criminalization, discrimi-
8 nation, and violence based on sexual orientation and
9 gender identity;

10 (8) to engage non-LGBTQI+ people as allies
11 and partners, as an essential element of making sus-
12 tained reductions in criminalization, discrimination,
13 and violence against LGBTQI+ people internation-
14 ally;

15 (9) to require that all Federal contractors and
16 grant recipients awarded a contract or receiving a
17 grant, as the case may be, under an international
18 program of the United States Government establish
19 appropriate policies and take effective measures to
20 ensure the protection and safety of their staff and
21 workplace, including from discrimination and vio-
22 lence directed against LGBTQI+ people and those
23 who provide services to them;

24 (10) to exert sustained international leadership,
25 including in bilateral and multilateral fora, to pre-

1 vent and respond to criminalization, discrimination,
2 and violence against LGBTQI+ people internation-
3 ally;

4 (11) to fully implement and expand upon the
5 policies outlined in the “Presidential Memo-
6 randum—Advancing the Human Rights of Lesbian,
7 Gay, Bisexual, Transgender, Queer, and Intersex
8 Persons Around the World”;

9 (12) to ensure that international efforts to com-
10 bat HIV/AIDS take all appropriate measures to sup-
11 port at-risk communities, including LGBTQI+ peo-
12 ple, and to create enabling legal environments for
13 these communities;

14 (13) to work with governments and nongovern-
15 mental partners around the world to develop and im-
16 plement regional strategies to decriminalize homo-
17 sexuality and to counteract other restrictions on the
18 human rights of LGBTQI+ people, including re-
19 strictions on LGBTQI+ organizations and so-called
20 LGBTQI+ propaganda laws; and

21 (14) to ensure that those who have a well-
22 founded fear of persecution on account of being
23 LGBTQI+ or supporting LGBTQI+ rights have
24 the opportunity to seek protection in the United
25 States.

1 SEC. 4. SPECIAL ENVOY FOR THE HUMAN RIGHTS OF

2 **LGBTQI+ PEOPLE.**

3 (a) ESTABLISHMENT.—

4 (1) IN GENERAL.—The Secretary of State shall
5 establish in the Bureau of Democracy, Human
6 Rights, and Labor (DRL) of the Department of
7 State a permanent Special Envoy for the Human
8 Rights of LGBTQI+ Peoples (in this section re-
9 ferred to as the “Special Envoy”), who shall be ap-
10 pointed by the President. The Special Envoy shall
11 report directly to the Assistant Secretary for Democ-
12 racy, Human Rights, and Labor.

13 (2) RANK.—The President may appoint the
14 Special Envoy at the rank of Ambassador, by and
15 with the advice and consent of the Senate.

16 (b) PURPOSE.—In addition to the duties described in
17 subsection (c) and those duties determined by the Presi-
18 dent and the Secretary of State, the Special Envoy shall
19 direct efforts of the United States Government relating
20 to United States foreign policy, as directed by the Presi-
21 dent and the Secretary, regarding human rights abuses
22 against LGBTQI+ people and communities internation-
23 ally and the advancement of human rights for LGBTQI+
24 people, and shall represent the United States internation-
25 ally in bilateral and multilateral engagement on such mat-
26 ters.

1 (c) DUTIES.—The Special Envoy—

2 (1) shall serve as the principal advisor to the
3 Secretary of State regarding the human rights of
4 LGBTQI+ people internationally; and

5 (2) at the direction of the Secretary of State—

6 (A) shall, notwithstanding any other provi-
7 sion of law, direct activities, policies, programs,
8 and funding relating to the human rights of
9 LGBTQI+ people and the advancement of
10 LGBTQI+ equality initiatives internationally,
11 for all bureaus and offices of the Department of
12 State, and shall lead the coordination of rel-
13 evant international programs for all other Fed-
14 eral agencies relating to such matters;

15 (B) shall represent the United States in
16 diplomatic matters, including in bilateral and
17 multilateral forums, relevant to the human
18 rights of LGBTQI+ people, including criminal-
19 ization, discrimination, and violence against
20 LGBTQI+ people internationally;

21 (C) shall direct, as appropriate, United
22 States Government resources to respond to
23 needs for protection, integration, resettlement,
24 and empowerment of LGBTQI+ people in
25 United States Government policies and inter-

1 national programs, including to prevent and re-
2 spond to criminalization, discrimination, and vi-
3 olence against LGBTQI+ people internation-
4 ally;

5 (D) shall design, support, and implement
6 activities regarding support, education, resettle-
7 ment, and empowerment of LGBTQI+ people
8 internationally, including for the prevention and
9 response to criminalization, discrimination, and
10 violence against LGBTQI+ people internation-
11 ally;

12 (E) shall lead interagency coordination be-
13 tween the foreign policy priorities related to the
14 human rights of LGBTQI+ people and the de-
15 velopment assistance priorities of the
16 LGBTQI+ Coordinator of the United States
17 Agency for International Development; and

18 (F) shall conduct regular consultation with
19 nongovernmental organizations working to pre-
20 vent and respond to criminalization, discrimina-
21 tion, and violence against LGBTQI+ people
22 internationally.

23 (d) BRIEFINGS AND ASSESSMENTS.—Not later than
24 180 days after the date of the enactment of this Act, and
25 annually thereafter, the Special Envoy shall provide to the

1 appropriate congressional committees a briefing on the
2 status of the human rights of LGBTQI+ people inter-
3 nationally, as well as on the status of programs and re-
4 sponse strategies of the United States Government to ad-
5 dress criminalization, discrimination, and violence against
6 LGBTQI+ people internationally.

7 (e) UNITED STATES POLICY TO PREVENT AND RE-
8 SPOND TO CRIMINALIZATION, DISCRIMINATION, AND VIO-
9 LENCE AGAINST LGBTQI+ PEOPLE GLOBALLY.—

10 (1) GLOBAL STRATEGY REQUIREMENT.—Not
11 later than 180 days after the date of the enactment
12 of this Act, and annually thereafter for each of the
13 following five years, the Special Envoy shall develop
14 or update, as the case may be, a United States glob-
15 al strategy to prevent and respond to criminaliza-
16 tion, discrimination, and violence against LGBTQI+
17 people internationally. The Special Envoy shall sub-
18 mit the global strategy to the appropriate congres-
19 sional committees and, if practicable, make the glob-
20 al strategy available to the public.

21 (2) COLLABORATION AND COORDINATION.—In
22 developing the global strategy required under para-
23 graph (1), the Special Envoy shall consult with—

24 (A) mid- and high-level officials of relevant
25 Federal agencies; and

7 (f) MONITORING THE UNITED STATES STRATEGY TO
8 PREVENT AND RESPOND TO CRIMINALIZATION, DISCRIMI-
9 NATION, AND VIOLENCE AGAINST LGBTQI+ PEOPLE
10 AND COMMUNITIES INTERNATIONALLY.—In each global
11 strategy submitted under subsection (e), the Special
12 Envoy shall include an analysis of best practices for pre-
13 venting and addressing criminalization, discrimination,
14 and violence against LGBTQI+ people and communities
15 internationally, including—

21 (2) recommendations related to best practices,
22 effective strategies, and improvements to enhance
23 the impact of such prevention and response efforts;
24 and

5 SEC. 5. DOCUMENTING AND RESPONDING TO BIAS-MOTI-
6 VATED VIOLENCE AGAINST LGBTQI+ PEOPLE
7 ABROAD.

8 (a) INFORMATION REQUIRED TO BE INCLUDED IN
9 ANNUAL COUNTRY REPORTS ON HUMAN RIGHTS PRAC-
10 TICES.—

11 (1) SECTION 116.—Section 116(d) of the For-
12 eign Assistance Act of 1961 (22 U.S.C. 2151n(d))
13 is amended—

19 (C) by adding at the end the following new
20 paragraph:

“(13) wherever applicable, the nature and extent of criminalization, discrimination, and violence by state and non-state actors based on sexual orientation or gender identity, as those terms are defined in section 7 of the International Human

1 Rights Defense Act of 2023, or sex characteristics,
2 including an identification of those countries that
3 have adopted laws or constitutional provisions that
4 criminalize or discriminate based on such sexual ori-
5 entation, gender identity, or sex characteristics, in-
6 cluding descriptions of such laws and provisions.”.

10 (A) by redesignating the second subsection
11 (i) (relating to child marriage status) as sub-
12 section (j); and

13 (B) by adding at the end the following new
14 subsection:

“(k) SEXUAL ORIENTATION, GENDER IDENTITY,
AND SEX CHARACTERISTICS.—The report required under
subsection (b) shall include, wherever applicable, the na-
ture and extent of criminalization, discrimination, and vio-
lence by state and non-state actors based on sexual ori-
entation or gender identity, as those terms are defined in
section 7 of the International Human Rights Defense Act
of 2023, or sex characteristics, including an identification
of those countries that have adopted laws or constitutional
provisions that criminalize or discriminate based on such

1 sexual orientation, gender identity, or sex characteristics,
2 including descriptions of such laws and provisions.”.

3 **SEC. 6. IMPLEMENTATION OF THE UNITED STATES STRAT-**
4 **EGY TO PREVENT AND RESPOND TO CRIM-**
5 **INALIZATION, DISCRIMINATION, AND VIO-**
6 **LENCE AGAINST LGBTQI+ PEOPLE AND COM-**
7 **MUNITIES INTERNATIONALLY.**

8 The Secretary of State and the Administrator of the
9 United States Agency for International Development are
10 authorized to provide assistance to prevent and respond
11 to criminalization, discrimination, and violence against
12 LGBTQI+ people internationally. Such assistance may
13 include the following activities:

14 (1) Development and implementation of pro-
15 grams, such as the Global Equality Fund of the De-
16 partment of State, that respond to human rights
17 abuses against, and the social and economic exclu-
18 sion of, LGBTQI+ people.

19 (2) Support and capacity building for the devel-
20 opment and enforcement of the laws of foreign gov-
21 ernments pertaining to relevant civil and criminal
22 legal and judicial sanctions, protection, and training.

23 (3) Enhancement of health sector capacity to
24 detect, prevent, and respond to violence against
25 LGBTQI+ people and communities internationally,

1 and to combat HIV/AIDS in the LGBTQI+ commu-
2 nity internationally, in close coordination with the
3 Office of the Global AIDS Coordinator and Health
4 Diplomacy of the Department of State.

5 (4) Development of a leadership program for
6 international LGBTQI+ activists that will foster
7 collaboration and knowledge sharing across the
8 world.

9 **SEC. 7. DEFINITIONS.**

10 In this Act:

11 (1) APPROPRIATE CONGRESSIONAL COMMIT-
12 TEES.—The term “appropriate congressional com-
13 mittees” means—

14 (A) the Committee on Foreign Relations
15 and the Committee on Appropriations of the
16 Senate; and

17 (B) the Committee on Foreign Affairs and
18 the Committee on Appropriations of the House
19 of Representatives.

20 (2) GENDER IDENTITY.—The term “gender
21 identity” means the gender-related identity, appear-
22 ance, or mannerisms or other gender-related charac-
23 teristics of an individual, regardless of the individ-
24 ual’s designated sex at birth.

1 (3) INTERSEX.—The term “intersex” means in-
2 dividuals born with sex characteristics (including
3 genitals, gonads, or chromosome patterns) that vary
4 from typical binary notions of male or female bodies
5 and is an umbrella term used to describe a wide
6 range of natural bodily variations.

7 (4) LGBTQI+.—The term “LGBTQI+”
8 means lesbian, gay, bisexual, transgender, queer, or
9 intersex.

10 (5) SEXUAL ORIENTATION.—The term “sexual
11 orientation” means actual or perceived homosex-
12 uality, heterosexuality, or bisexuality.

